

## **CITY COUNCIL AGENDA**

### **REGULAR MEETING**

**WEDNESDAY, JUNE 4, 1997**

<b>Morgan Hill Civic Center</b>	<b>Mayor</b>	<b>Dennis Kennedy</b>
---------------------------------	--------------	-----------------------

<b>Council Chambers</b> <b>17555 Peak Avenue</b> <b>Morgan Hill, California 95037</b>	<b>Mayor Pro Tempore</b> <b>Councilmember</b> <b>Councilmember</b> <b>Councilmember</b>	<b>Bev E. Freeman</b> <b>Hedy L. Chang</b> <b>Cynthia J. Cook</b> <b>J. Robert Foster</b>
---------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------

**7:00 P.M.**

#### **CALL TO ORDER**

( Mayor Kennedy)

#### **ROLL CALL ATTENDANCE**

(City Clerk Torrez)

#### **DECLARATION OF POSTING OF AGENDA**

Per Government Code 54954.2

(City Clerk Torrez)

#### **SILENT INVOCATION**

#### **PUBLIC SERVICE ANNOUNCEMENT**

Eric Hilding

#### **PLEDGE OF ALLEGIANCE**

#### **RECOGNITIONS**

Ed Lazzarini & Carol Edge

Members-at-Large

South County Joint Planning Advisory Committee

#### **INTRODUCTIONS**

Jan Gehlen

Accounting Supervisor

#### **CITY COUNCIL REPORT**

Council Member Foster

*High School Planning Options*

## **CITY MANAGER'S REPORT**

## **CLOSED SESSION ANNOUNCEMENTS/CITY ATTORNEY'S REPORT**

### **PUBLIC COMMENTS**

Mayor Kennedy

The Morgan Hill City Council welcomes comments from all individuals on any agenda item being considered by the City Council. Please complete a Speaker Card and present it to the City Clerk. This will assist the Council Members in hearing your comments at the appropriate time. In the interest of brevity and timeliness and to ensure the participation of all those desiring an opportunity to speak, comments presented to the City Council are limited to Three Minutes. We appreciate your cooperation.

**NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS EVENINGS AGENDA.**

### **LEGALLY NOTICED PUBLIC HEARINGS:**

**1. APPLICATIONS UP-92-04: MONTEREY-DIVITTORIO (APPEAL)**

**Recommended Action:**

The Mayor will open and continue the Public Hearing to September 3, 1997.

**2. DAA-95-03: E. DUNNE-WILLARD**

**Recommended Action:** Request staff presentation.

The Mayor will open the Public Hearing.

Please limit your remarks to 3 minutes. The Mayor will close the Public Hearing.  
Council discussion.

Action - Motion to deny request

*Should the Council wish to approve the request,*

Action- Motion to waive the reading in full of the ordinance;

Motion to introduce ordinance by title only. Call for the question. The City Clerk will read the ordinance title and call the roll for the vote.

**3. ZONING AMENDMENT APPLICATION ZA 96-13B: CITY OF MORGAN HILL- ZONING ORDINANCE AMENDMENT REGARDING SECONDARY DWELLING UNITS**

**Recommended Action:** Request staff presentation.

The Mayor will open the Public Hearing.

Please limit your remarks to 3 minutes. The Mayor will close the Public Hearing.  
Council discussion.

Action- Motion to waive the reading in full of the ordinance;

Motion to introduce ordinance by title only. Call for the question. The City Clerk will read the ordinance title and call the roll for the vote.

**4. APPLICATIONS ZAA 96-10: COCHRANE - MORGAN HILL DEVELOPMENT PARTNERS, L.P. (VENTURE CORPORATION)**

**Recommended Action:** Request staff presentation.

The Mayor will open the Public Hearing.

Please limit your remarks to 3 minutes. The Mayor will close the Public Hearing.  
Council discussion.

Action- Motion to waive the reading in full of the ordinance;

Motion to introduce ordinance by title only. Call for the question. The City Clerk will read the ordinance title and call the roll for the vote.

5. **URBAN SERVICE AREA APPLICATION USA 97-05: SPRING-MALONE**

**Recommended Action:** Request staff presentation.

The Mayor will open the Public Hearing.

Please limit your remarks to 3 minutes. The Mayor will close the Public Hearing.

Council discussion.

Action - Motion to approve resolution.

6. **PUBLIC HEARING REGARDING PROPOSED WATER RATES**

**Recommended Action:** Request staff presentation.

The Mayor will open the Public Hearing.

Please limit your remarks to 3 minutes. The Mayor will close the Public Hearing.

Council discussion.

Action - Motion to adopt resolution.

**OTHER BUSINESS:**

7. **REQUEST FOR USE OF CITY COUNCIL GENERAL PLAN HEARING DATE**

**Recommended Action:** **Direct** Staff to Process the Prosperity General Plan Amendment Application for Council Hearing in September if No Additional Residential General Plan Amendment Applications are Received by the Filing Deadline.

8. **ACQUISITION OF SANTA TERESA RIGHT OF WAY AND RELATED TRAFFIC ISSUES**

**Recommended Action:** 1) **Direct** Staff to Cease Negotiations and Encourage the Developer to Develop the Property **and** Direct the City Attorney to Work with Developer's Counsel to Clear Title, **OR** 2) **Direct** Staff to Complete Negotiations for the Property and Bring Back Purchase Documentation for City Council Approval.

**ROLL CALL VOTE:**

The Roll Call Vote, Agenda Items #9 through #11 may be acted upon with one motion, a second and the roll call vote. The titles having previously been read, no second reading is required. (Government Code Section 36934)

9. **SECOND READING AND ADOPTION OF ORDINANCE NO. 1337, NEW SERIES** -- An Ordinance of the City Council of the City of Morgan Hill Approving a Zoning Amendment for Two Parcels Totaling 7.7 Acres Located at the Northwesterly Corner of Malaguerra Road and Sullivan Court from RE (40,000) Residential Estate District to R-1 (20,000)/RPD Single Family Low Residential Planned Development Zoning District. (APN 728-35-016 and 728-35-017) File No. ZA-96-18: Malaguerra-Strametz.

10. **SECOND READING AND ADOPTION OF ORDINANCE NO. 1338, NEW SERIES** -- An Ordinance of the City Council of the City of Morgan Hill Amending a Development Agreement to Provide for Exception to Loss of Building Allocation for Application MP-94-19: Cochrane-Coyote Ranch L.P. (Malaguerra-Dividend). (APN 728-35-008 through 010 and APN 728-36-001, 002, 010 and 011).

11. **SECOND READING AND ADOPTION OF ORDINANCE NO. 1339, NEW SERIES** -- An Ordinance of the City Council of the City of Morgan Hill Amending a Development Agreement to Provide for Exception to Loss of Building Allocation and other Minor Development Agreement Amendments for Application MP-94-18: Cochrane-Ruge. (APN 727-13-045, 047 and 005).

**CONSENT CALENDAR:** The Consent Calendar, Agenda Items #12 through #16 may be acted upon with one motion, a second and the vote.

12. **APPROVAL OF SUBDIVISION IMPROVEMENT AGREEMENT WITH ISM/DUNNE-CONDIT APN 728-17-002 (TACO BELL)**  
**Recommended Action:** **Approve** the Attached Subdivision Improvement Agreement and **Authorize** the City Manager to Sign the Agreement on behalf of the City with ISM/Dunne-Condit (APN 728-17-002).
13. **SUBSTITUTION OF SUBCONTRACTOR FOR HOLIDAY LAKE RESERVOIR #1 ROOF REPLACEMENT PROJECT**  
**Recommended Action:** **Approve** the Substitution of Subcontractor for the Construction of the Holiday Lake Estates Water Reservoir No. 1 Roof Replacement Project.
14. **AWARD OF PROFESSIONAL SERVICES CONTRACT FOR DUNNE AND CONDIT WELLS REHABILITATION, PHASES III & IV IN THE AMOUNT OF \$54,758**  
**Recommended Action:** **Award** Contract to Parsons, Brinckerhoff, Quade & Douglas, Inc. for the Rehabilitation of the Dunne and Condit Wells, Phases III & IV, in the Amount of \$54,758.
15. **FY 1995/96 OUTSTANDING PURCHASE ORDERS**  
**Recommended Action:** **Reappropriate** Fiscal Year 1995-96 Outstanding Purchase Orders.
16. **SURPLUS EQUIPMENT**  
**Recommended Action:** **Declare** Property Surplus and **Authorize** Disposal through Auction.
17. **APPROVAL OF REGULAR MEETING MINUTES OF MAY 21, 1997**

**CLOSED SESSION:**

**1.**

**CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION:**

Legal Authority: Government Code Section 54956.9(a)  
Title of Case: Beverly Freeman v. City of Morgan Hill  
Case Number: CV755021  
Court: Superior Court, County of Santa Clara  
Parties: Beverly Freeman; City of Morgan Hill  
Subject of Litigation: Complaint for Declaratory Relief and Damages demanding that the City pay Council Member Freeman's attorney's fees in the Pritchard v. Freeman defamation case  
Closed Session Topic: Potential Settlement

**2.**

**CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION:**

Legal Authority: Government Code Section 54956.9(a)  
Title of Case: Beverly Freeman, Arthur T. College and Robert Coleman v. David Biggs, Estate of Jan Smith, Dennis Kennedy, John Verrella [sic], Gary Baum and the City of Morgan Hill  
Case Number: CV746529  
Court: Superior Court, County of Santa Clara  
Parties: Beverly Freeman; Arthur College; Robert Coleman; City of Morgan Hill; Estate of Jan Smith; Dennis Kennedy; John Varrella [sic]; Gary Baum  
Subject of Litigation: Writ of Mandate alleging violations of the Brown Act and Censure problems  
Closed Session Topic: Potential Settlement

**FUTURE COUNCIL AGENDA ITEMS**

- Annual Public Works Maintenance Contracts
- Proposal for Highway 101 Corridor Enhancement
  
- Award Contract for Oakview Drainage Project
- Quarterly CIP Status Report
  
- Award Contract for Rehab of Community Park Softball Fields
- Zoning Text Amendments for City Residential Development Control System (RDCS)

---

:  
This Is an Opportunity for Members of the City Council to Request Items for Future Agendas.

Taken on Any Request Other than Providing Direction to Staff to Place the Matter of Business on a Future Agenda.

**ADJOURNMENT**

**OPEN PUBLIC COMMENT PERIOD (3 MINUTES)**

At. following the opening of Council business, the public may present comments on items **NOT** that are within the Council's jurisdiction. Should your comments require Council action, your request will be placed on the next appropriate agenda. No Council discussion or action may be taken until your item appears on a future agenda. You may contact the

54950.5. Please limit your presentation to three (3) minutes.

**SPEAKER CARDS**

However, it is very helpful to the Council if you would fill out the speaker card that is available on the counter in the Council Chambers. Please fill out a card and return it to the City Clerk. As your name is called by the Mayor, please walk to the podium and

limit your remarks to 3 minutes.

**NOTICE**

---

The City of Morgan Hill complies with the Americans with Disability Act (ADA) and will provide reasonable accommodation to individuals with disabilities to ensure equal access to all facilities, programs and services offered by the City.

Torrez, 17555 Peak Avenue or cal 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation.

**NOTICE**

limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to the Public Hearing on these matters.

---

The time within which judicial review must be sought of the action by the City Council which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.